

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

COMPACT SRAM CELL INCORPORATING REFRACTORY METAL-SILICON-NITROGEN RESISTIVE ELEMENTS AND METHOD FOR FABRICATING

the specification of which

X is attached hereto.
____ was filed on _____ as United States Application Number
or PCT International Application Serial No. _____
and was amended on _____
(If applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendments referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application, having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s) Priority Claimed

Number	Country	Day/Month/Year	(Yes)	(No)
Number	Country	Day/Month/Year	(Yes)	(No)
Number	Country	Day/Month/Year	(Yes)	(No)

Docket No. YOR920010095US1
(64,610-061)

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Number	Filing Date
Application Number	Filing Date

I hereby claim the benefit under Title 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States, or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information material as defined in 37, C.F.R. §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status
Application Serial No.	Filing Date	Status

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application of any patent issued thereon.

POWER OF ATTORNEY: As a named inventor I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the United States Patent and Trademark Office connected therein (list name and registration number):

Manny W. Schecter (Reg. 31,722), Lauren C. Bruzzone (Reg. 35,082), Christopher A. Hughes (Reg. 26,914), Edward A. Pennington (Reg. 32,588), John E. Hoel (Reg. 26,279), Joseph C. Redmond, Jr. (Reg. 18,753), Wayne L. Ellenbogen (Reg. 43,602), Louis J. Percello (Reg. 33,206), Stephen C. Kaufman (29,551), Marian Underweiser (Reg. 46,134), David M. Shofi (Reg. 39,835), Douglas W. Cameron (Reg. 31,596), Louis P. Herzberg (Reg. 41,500), Daniel P. Morris (Reg. 32,053), Paul J. Otterstedt (Reg. 37,411) and Robert M. Trepp (Reg. 25,933).

Please send all correspondence concerning this application to the following address:

TUNG & ASSOCIATES
838 W. Long Lake Road
Suite 120
Bloomfield Hills, Michigan 48302
Phone: (248) 540-4040
Fax: (248) 540-4035

Direct telephone calls to: Randy W. Tung (248) 540-4040

Full name of first joint inventor LAWRENCE CLEVENGER
First Middle Last
Lawrence Clevenger
Inventor's Signature
Date 5/10/01
Residence 90 Andrews Rd., LaGrangeville, NY 12540
Citizenship United States of America
Post Office Address Same as residence

Full name of second joint inventor LOUIS HSU
First Middle Last
Louis HSU
Inventor's Signature
Date 5-10-01
Residence 7 Crosby Ct., Fishkill, NY 12524
Citizenship United States of America
Post Office Address Same as residence

Full name of third joint inventor

LI-KONG		WANG
First	Middle	Last

Li-Kong Le Wang

5-10-2001

Inventor's Signature

Date

Residence

2 Morgan Court, Montvale, New Jersey 07645

Citizenship

United States of America

Post Office Address

Same as residence

§1.56 Duty to disclose information material to patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application; and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent or inventor.

(35 U.S.C. 6, Pub. L. 97-247)
[42 FR 5593, Jan. 28, 1977, as amended at 47 FR 21751, May 19, 1982; 48 FR 2710, Jan. 20, 1983;
49 FR 554, Jan. 4, 1984; 50 FR 5171, Feb. 6, 1985; 53 FR 47808, Nov. 28, 1988, effective Jan. 1, 1989; 57 FR 2034, January 17, 1992, effective March 6, 1992]



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

AUGUST 20, 2001

PTAS



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TUNG & ASSOCIATES
RANDY W. TUNG
838 W. LONG LAKE ROAD
SUITE 120
BLOOMFIELD HILLS, MI 48302

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF
THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS
AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER
REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/01/2001

REEL/FRAME: 011875/0515
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
CLEVENGER LAWRENCE

DOC DATE: 05/10/2001

ASSIGNOR:
HSU LOUIS

DOC. DATE: 05/10/2001

ASSIGNOR:
WANG, LI-KONG

DOC DATE: 05/10/2001

ASSIGNEE:
INTERNATIONAL BUSINESS MACHINES
CORPORATION
ARMONK, NEW YORK 10504

SERIAL NUMBER: 09872325
PATENT NUMBER:

011875/0515 PAGE 2

STEVEN POST, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



101746566

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1 Name of conveying party(ies):

Lawrence Clevenger
Louis Hsu
Li-Kong Wang

06/01/01

2 Name and address of receiving party(ies):

International Business Machines Corporation
Armonk, New York 10504

11002 U.S. P.R.
09/07/2001

3 Nature of conveyance:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Assignment | <input type="checkbox"/> Merger |
| <input type="checkbox"/> Security Agreement | <input type="checkbox"/> Change of Name |
| <input type="checkbox"/> Other: | |

Execution Date: May 10, 2001

Additional name(s) & address(es) attached Yes No

4 Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: 05-10-01

A. Patent Application No(s).

09/872 325

B. Patent No(s)

Additional numbers attached? Yes No

5 Name and address of party to whom correspondence concerning document should be mailed:

RANDY W. TUNG
Tung & Associates
838 W. Long Lake Road
Suite 120
Bloomfield Hills, Michigan 48302

6 Total number of applications and patents involved:

1

7 Total fee (37 CFR 3.41) \$40.00

 Enclosed Authorized to be charged to deposit account

8 Deposit Account Number: 50-0484

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9 Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Randy W. Tung
Name of Person Signing
Reg. No. 31,311

Signature

June 1, 2001

Date

Total number of pages including cover sheet, attachments, and document: 3

Mail documents to be recorded with required cover sheet in front of:

Commissioner of Patents & Trademarks, Box Assignments

Washington, D.C. 20231

ASSIGNMENT

Whereas, we

INVENTOR	(1) LAWRENCE CLEVENGER County of Dutchess	of LaGrangeville and State of New York
	and (2) LOUIS HSU County of Dutchess	of Fishkill and State of New York
	and (3) LI-KONG WANG County of Bergen	of New Jersey and State of New York

have invented certain improvements in

TITLE COMPACT SRAM CELL INCORPORATING REFRactory METAL-SILICON-NITROGEN RESISTIVE ELEMENTS AND METHOD FOR FABRICATING

and executed, respectively, a United States patent application therefor on

DATE THAT
INVENTORS
SIGNED THE
DECLARATION
(1) 5/10/01, and (2) 5/14/01
(3) 5/10/2001

Whereas, INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation of New York, having a place of business at Armonk, New York 10504, (hereinafter called IBM), is desirous to acquire the entire right, title and interest in the said application and invention, and to any United States and foreign patents to be obtained therefor;

Now, therefore, for valuable consideration, receipt whereof is hereby acknowledged, we, the above named, hereby sell, assign and transfer to IBM, its successors and assigns, the entire right, title and interest in the said application and invention therein disclosed for the United States and foreign countries, and all rights of priority resulting from the filing of said United States application, and we request the Commissioner of Patents to issue any Letters Patent granted upon the inventions set forth in said application to IBM, its successors and assigns; and we hereby agree that IBM may apply for foreign Letters Patent on said invention and we will execute all papers necessary in connection with the United States and foreign applications when called upon to do so by IBM.

Signed and sealed

CITY	1) at	<u>Lawrence</u>	<u>Clevenger</u>	(Signature)
DATE	on <u>5/10/01</u> 2001	LAWRENCE	CLEVINGER	
	<u>Hopewell</u> <u>Nebraska</u>	FIRST NAME	MIDDLE INITIAL	LAST NAME
CITY	and 2) at	<u>HSU</u>		(Signature)
DATE	on <u>5/10/01</u> 2001	LOUIS		
	<u>Fishkill</u>	FIRST NAME	MIDDLE INITIAL	LAST NAME
CITY	and 3) at	<u>Li-Kong Wang</u>		(Signature)
DATE	on <u>5/10</u> 2001	LI-KONG		
	<u>Fishkill</u>	FIRST NAME	MIDDLE INITIAL	LAST NAME

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lawrence Clevenger; Louis Hsu and Li-Kong Wang

Serial No.: To Be Assigned
Filed: Filed Herewith

For: Compact SRAM Cell Incorporating Refractory Metal-Silicon-Nitrogen Resistive Elements and Method for Fabricating

Attorney's Docket No.: 64,610-061
(YOR920010095US1)

APPOINTMENT OF ASSOCIATE ATTORNEY

Assistant Commissioner
for Patents
Washington, D.C. 20231

Sir:

The undersigned attorney, who has been appointed as an attorney in the combined Declaration and Power of Attorney for the above-identified application, hereby appoints RANDY W. TUNG (Reg. No. 31,311) of TUNG & ASSOCIATES, 838 W. Long Lake Road, Suite 120, Bloomfield Hills, Michigan 48302, (Telephone: (248) 540-4040) as associate attorney to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all official communications to Randy W. Tung at the address cited above.

Respectfully submitted,
Attorney for the Applicant(s)


Marian Underweiser
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IBM Corporation
Intellectual Property Law Department
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